

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAMIEN GREEN,

Plaintiff,

v.

DANIEL NORGE,

Defendant.

ORDER

14-cv-326-jdp

Plaintiff Damien Green, a prisoner at Columbia Correctional Institution, alleges that defendant Daniel Norge twice delayed in getting him medical attention after he overdosed on medication. In a September 4, 2018 order, I denied Green's renewed motion for the court's assistance in recruiting him counsel. *See* Dkt. 192. I previously recruited counsel for Green but later allowed counsel to withdraw after Green sent her inappropriate, sexually explicit letters. Dkt. 95. I noted that a second lawyer, Matthew Steven Pinix, appeared on Green's behalf without the court recruiting him, but that Pinix moved to withdraw. I gave Green a chance to object to Pinix's withdrawal, but Green did not object, so I allowed Pinix to withdraw. Dkt. 193.

Green followed with a motion for recruitment of counsel, stating that he was not aware that Pinix had asked the court to withdraw or that the withdrawal had been granted. Dkt. 195. In an October 30, 2018 order, I stated that I would not recruit new counsel for Green, but that I did take Green's filing to be a belated objection to Pinix's withdrawal. I gave Pinix a short time to respond to Green's objection by submitting *ex parte* and *in camera* his reason for withdrawing. Pinix has now responded. Dkt. 197.

As I previously stated, counsel seeking to withdraw representation needs to show either the party's consent or that there is a "valid and compelling reason" to withdraw over the party's objection. *Stafford v. Mesnik*, 63 F.3d 1445, 1448 (7th Cir. 1995). Pinix states that he had been retained by Green to negotiate settlement, but that Green had misrepresented that defendants had agreed in principle to settle, and that in any event Pinix had never agreed to represent Green at trial. I conclude that Pinix has stated sufficient reason to withdraw.

Trial remains scheduled for March 11, 2019. I will follow this order with a trial preparation order that will provide Green with more guidance about how to present his claims at trial. If, after reviewing that order, Green has specific questions about what to do at trial, he should write to the court to ask his questions.

ORDER

IT IS ORDERED that Attorney Pinix's motion to withdraw from the case, Dkt. 191, is GRANTED.

Entered January 11, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge